

**WILLIAMSBURG CITY COUNCIL**  
**August 8, 2002**  
**MINUTES**

The Williamsburg City Council held its regular monthly meeting on August 8, 2002, at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Genakos, Haulman, Houghland and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Clayton, Hudson, Nester, Serra, Yost, Walentisch, and Ms. Miller, Assistant to the City Manager.

**CALL TO ORDER**

The meeting was called to order by Mayor Zeidler.

**COUNCIL MINUTES**

*Mr. Genakos Moved Approval of the City Council Minutes of July 8 and July 11, 2002. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Genakos, Haulman, Zeidler, Houghland, Tabb*

*No: None*

**MATTERS OF SPECIAL PRIVILEGE**

**Presentation to Mr. C. Russell Tabb by Williamsburg Area Chamber of Commerce**

Mr. Fleming Buck, President of the Chamber of Commerce presented a plaque to Mr. Tabb recognizing and thanking him for serving on the Chamber's Board of Directors for the past two years. The board benefited from his leadership and support. The Chamber is looking forward to welcoming Mr. Haulman as the new representative to the Chamber board.

Mr. Tabb thanked the Executive Board of the Chamber, the Board of Directors, Mr. Buck, Mr. Hersberger, and the citizens of the Williamsburg area for the honor.

**Communities of Excellence Award to Williamsburg and James City County, presentation by Corrine Garland, on Behalf of the Pre-School Task Force**

Ms. Garland greeted Council and presented the plaque "Communities of Excellence Award" from *Communities Can!* and the *Federal Interagency Coordinating Council*. The award was presented to representatives of the Pre-School Task Force this past May in Washington, DC. Joanne Davis and John Warner accepted the combined community award on behalf of the city and James City County. The award was received for the Task Force's work and for meeting the criteria for blending services for infants and toddlers. The city will keep the award for one month and then it will be presented to the County. She asked members of the Task Force to stand and be recognized.

Mayor Zeidler thanked the members of the Task Force for their work. The city is proud of the award.

### **Recognition of Youth Achievement Summer Program Participants**

Mr. Peter Walentisch, Director of the Department of Human Services, presented 27 outstanding city youth that were participating in the summer program. Three of the youth, LaShaunta Brown, Michael Dean, and Lakisha Wallace spoke about their positive experiences with the program, including education, life and survival skills, and field trips. Ms. Wallace read a poem she had written about the program (See Attached). Mr. Walentisch asked the program staff members to stand and be recognized.

Mayor Zeidler said it was a pleasure to have the youth present and to recognize them. She thanked Mr. Walentisch for his leadership and the program staff for the energy they put into the program. She hoped the experience would stay with the young people all of their lives.

### **Designation of Jack Tuttle, City Manager, as International City/County Management Association (ICMA) Credentialed Manager**

Mayor Zeidler said Mr. Tuttle is one of the first 170 local government management professionals to be credentialed through the ICMA Voluntary Credentialing Program. She thanked Mr. Tuttle for setting an example for his staff. It is the mark of a real leader. To be credentialed by ICMA, a member must take a test, have significant experience as a senior management executive in local government, have earned a degree in public administration or a related field, and demonstrated a commitment to high standards of integrity and to lifelong learning and professional development.

### **Public Hearing**

#### **Water Rate Surcharge, Proposed Ordinance #02-20**

City Council members received a copy of the advertisement for the public hearing and a copy of the proposed ordinance. Mr. Tuttle said the last ordinance passed regarding the water rate surcharge was effective July 1, 2002, for a period of 60 days. This ordinance continues the surcharge period for another 30 days.

Mayor Zeidler opened the public hearing.  
No one wished to speak. The hearing was closed.

*Mr. Houghland Moved that City Council Adopt Proposed Ordinance #02-20, An Ordinance to Adopt An Emergency Surcharge of Fifty Cents Per Thousand Gallons of Water Effective August 30, 2002. The Motion Was Seconded by Mr. Tabb.*

*Recorded Vote on the Motion:*

*Aye: Genakos, Haulman, Zeidler, Houghland, Tabb*

*No: None* (See Attached Adopted Ordinance #02-20)

### **Update on Water Usage—Public Works Director Dan Clayton**

Mr. Clayton briefed Council on the current water situation. Waller Mill Reservoir level was 28½ inches below the spillway and the city continues to purchase water from Newport News. The rate of water consumption is average for this time of year. Mr. Clayton reviewed a slide outlining *Rainfall Data*, and said that during the past eleven months only 25.39 inches of rain were received or 59% of average rainfall.

Mr. Clayton said Newport News is currently on voluntary restrictions, but their City Council is being asked to authorize their City Manager to implement mandatory restrictions. He reviewed a list of *Mandatory Restrictions*, which will involve enforcement measures and penalties. If the city goes to mandatory restrictions, staff may recommend that the present surcharge be continued. He also reviewed a slide of current *Water Restrictions in Various Localities*.

Mr. Tuttle said there is a possibility that if the rainfall situation does not improve, staff may ask Council to consider mandatory restrictions at the September meeting. If Newport News decides to go to mandatory restrictions, the city will have to also.

Council asked Mr. Clayton to keep them informed about the water situation.

## **REPORTS**

### **Monthly Financial Statement**

*The Monthly Financial Statement was received and ordered filed.*

Mr. Tuttle said that room, meal, and sales tax revenues were improved.

Mr. Tuttle responded to Mr. Houghland that “trends” information would be provided to Council in the coming months along with major capital investments.

### **Monthly Departmental Operating Reports**

*The Monthly Departmental Reports were received and ordered filed.*

### **Planning Report—None**

### **City Manager Reports**

#### **School Resource Officer Program—Agreement Between City, James City County & WJCC Public Schools**

Reference for this item was Mr. Tuttle’s report dated July 29, 2002, which included a copy of the agreement. Chief Yost said in the spring of 2002, the James City County Police Department withdrew school resource officers from James Blair and Berkeley Middle Schools. This agreement addresses the need for resource officers in the schools and outlines the city’s and county’s obligation to provide school resource officers to work part time in the Williamsburg-James City County schools. The city will provide an officer, Dennis Baines, to work at James Blair Middle School, the County will provide officers to work at Berkeley and Toano Middle schools, as well as both high schools and the alternative education facility. The agreement has been fully reviewed by the staff of the city and county police departments and Superintendent of Schools. The agreement will go before the School Board this month and Board of Supervisors in September.

Staff recommended that this agreement be approved.

*Mr. Haulman Moved that City Council Approve the Agreement for the School Resource Officer Program Between the City of Williamsburg, James City County, and The Williamsburg James City County Public Schools. The Motion Was Seconded by Mr. Genakos.*

*Recorded Vote on the Motion:*

*Aye: Genakos, Haulman, Zeidler, Houghland, Tabb*

*No: None*

**Unfinished Business**

**Update on Rental Housing Registration and Inspection Program**

Reference for this item was Mr. Tuttle's Report dated August 2, 2002, which included a copy of the proposed ordinance, supporting documents, additional public responses received, and "Questions and Answers" about the program. Mr. Tuttle reviewed the history of this program over the last three months. The proposed ordinance has been changed to reflect the enabling legislation that provides the legal basis for the program, sharply defines the four Housing Conservation Districts (HCD), enumerates the factors for establishing a HCD, and removes certain exceptions.

Mr. Nester used an overhead presentation to review the areas and boundaries of the four Housing Conservation Districts. He provided statistical information on owner occupied and non-occupied housing, including off-campus student statistics resulting from the Sharpe Students' study. Information was provided on the percentage of property maintenance cases in each HCD since 1993.

Mr. Tuttle said included in Council's packet were two pages of questions and answers in an attempt to address some of the questions that have been raised. This is a good time for discussion, and an appropriate time for the City Attorney to meet with the attorney of "Residents for Responsible Rentals" to discuss this ordinance in detail. Council would receive the outcome of the discussion.

The Mayor was pleased with the suggestion that the attorneys meet. She noted that this latest report is on the city's website and hoped that it would attract more responses.

Mr. Houghland commented that he was very enthusiastic about the process to reach a workable ordinance and is looking forward to hearing from the City Attorney about the meeting with the attorney for RRR. This is a much-needed ordinance, and suggested that Council consider including a sunset provision in the ordinance in order to provide for the opportunity to review and "tweak" it in three years or so. Mr. Tabb echoed Mr. Houghland's comments. Mr. Tuttle responded to Mr. Tabb that the Conservation Districts boundaries could be adjusted in the future, but for now, the areas suggested are the best in staff's judgment that most meet the criteria in the ordinance.

Mr. Haulman thanked Mr. Tuttle, Mr. Phillips, Mr. Nester, and Mr. Catlett for their good work on this program. The ultimate goal is to ensure that Williamsburg remains a city with a vibrant city center, where that center of activity is walkable from a variety of vibrant residential neighborhoods. Part of the goal is to protect and enhance our neighborhoods. This policy is a move in that direction. As we think about this issue and the direction we would like to take, we have to be clear that there are no magic solutions—no one solution. It requires that the city, landlords, renters, students, the College, and neighbors all work together toward the goal for our city center and neighborhoods. The work of the Sharpe next year the program will continue and handbooks will be developed for renters and student renters. We need to keep in mind that we are dealing with businesses operating in

residential neighborhoods. The State has said rental properties cannot be taxed as businesses and cannot be called businesses, but they operate, incur costs, and make income like businesses. "If it walks like a duck, it talks like a duck, and looks like a duck, maybe we should call them ducks."

Mr. Haulman said there are a number of things he liked about the current initiative—it establishes criteria for identifying areas subject to the policy, it treats all rental property the same with no exceptions, importantly, the data identifies all rental units in a neighborhood because those rentals impact the character of the neighborhood, provides for inspections that assess interior conditions, and provides a system that minimizes the intrusiveness of the regulation. We must be careful with the type of regulation imposed. The proposal addresses registration and inspection; how does each help us to reach our goal for our neighborhoods. The fees for the program benefit the city as a whole, so the fees should be minimal. In order to succeed, we will reach our goal only with cooperation of everyone working together.

Mr. Genakos also thanked staff for their work on the document and citizens for their comments. He hoped that people would continue to contact Council members. Some comments are pro, some con. He believed much thought had gone into their comments. He is still gathering information. It is good to have this data, but he would like to know the specific property maintenance issues. A lot of emphasis was given to the Sharpe Students' study, which identified specific problems. He would like to know how many of property issues are related to units that are not covered by the program.

Mr. Tuttle responded to Mr. Genakos that room rentals in an owner-occupied house are excluded by the ordinance, and that certain multifamily housing are inspected and then may be excluded from re-inspection for 36 months if they follow certain provisions.

Mr. Genakos encouraged discussion between owners of rental properties and residents of the city that have concerns. He appreciated receiving comments from the public and looked forward to receiving more.

Mr. Houghland appreciated Mr. Haulman's synopsis of the direction the city is taking on his matter.

Mayor Zeidler appreciated Council members reading the ordinance and thought the draft ordinance much improved. It responds to a number of comments heard from people in the community. The city's long-standing goal addresses protection of city neighborhoods and keeping them viable. A rental inspection program is used in other communities and Council wanted to look at that type of program. More input and more work is needed. The city is looking for ways to reach its goal of Neighborhood Preservation.

Mr. Tuttle will continue to collect comments regarding the draft ordinance and Mr. Phillips will meet with attorney Alvin Anderson. Mr. Tuttle hoped to report to Council at the September meeting.

## **NEW BUSINESS**

### **Reappointment to Middle Peninsula Juvenile Detention Commission**

*Mr. Haulman Moved that City Council Reappoint **Mr. Stuart G. Smith** to the Middle Peninsula Juvenile Detention Commission for a four-year term, effective July 1, 2002 to expire June 30, 2006. The Motion Was Seconded by Mr. Genakos.*

*Recorded Vote on the Motion:*

*Aye: Genakos, Haulman, Zeidler, Houghland, Tabb*

*No: None*

## **OPEN FORUM**

Mayor Zeidler opened the session.

Five people commented about the Rental Housing and Registration Program:

**Charles Glazner, James City County**, asked if the City has the authority to institute a registration program considering Virginia is a Dillon Rule state. He had questions regarding the statistics provided by Mr. Nester and said the statistics should be further defined. Mr. Glazner took the opportunity to recognize the young lady in Water Department (he described the office where Ms. Jacqueline Johnson works) as the nicest public employee he has ever dealt with. She is a very nice, accommodating, helpful, good employee.

**Dustin DeVore, Attorney representing “Residents for Responsible Rentals,”** thanked Council for the opportunity to work with Mr. Phillips on this issue. He noted they are now also representing the Virginia Peninsula Realtors on this matter. He again questioned whether or not there is the authority for registration, which they oppose. The original legislation addressed “blighted areas.” The areas in the city are not blighted. There has been no conversation about unintended consequences, such as parking and more students moving into the county, the negative consequence on affordable housing.

**Charles Wynder, 24 Mile Course, and owner of property on S. Henry Street**, said he complained to the city about grass not being mowed on a lot near his property. Why are the current regulations not being enforced? He suggested existing ordinance should be implemented and enforced before passing the proposed ordinance.

**Mike Putt, 103 Sharps Road**, said we do not need more laws; we need to implement the ones already on the books. The city should discuss this matter with property owners. Owners of property do not want to be dictated to about what they can do with their property. He already pays taxes on his property, and if he sells his property, would have to pay capital gains.

**Craig Canning, 209 Nelson Avenue**, thanked Council for the opportunity to speak. He favored the proposed draft ordinance and said it is long overdue. It sets standards for everyone and provides for neighborhood conservation or preservation. He offered to lead a personal tour of his neighborhood (West Williamsburg Heights) to point out problems with non-owner occupied residences.

No one wished to speak. The session was closed. The Mayor thanked everyone for his comments.

### **CLOSED SESSION**

Mr. Houghland Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing two property matters per subparagraph 3 concerning acquisition of property of which discussion in an open meeting would adversely affect bargaining or negotiation strategy of public body The Motion was Seconded by Mr. Genakos.

Recorded Vote on the Motion:

Aye: Genakos, Haulman, Zeidler, Houghland, Tabb

No: None

The meeting adjourned at 3:26 p.m. (Mayor Zeidler called a five-minute recess.)

At 3:55 p.m., Council met in Open Session.

Mr. Houghland Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Genakos, Haulman, Zeidler, Houghland, Tabb

No: None

### **CERTIFICATION OF CLOSED MEETING**

Date: August 8, 2002

Motion: Mr. Houghland, Second: Mr. Haulman

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Genakos, Haulman, Zeidler, Houghland, Tabb

No: None

Absent During Vote: None

Absent During Meeting: None

The meeting adjourned at 3:56 p.m.

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Clerk of Council

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Mayor

Approved: September 12, 2002